

## Sterne Kessler Goldstein Fox

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June 1, 2004

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Art Unit 1636

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Re:

U.S. Utility Patent Application

Appl. No. 10/005,876; Filed: December 7, 2001

For: Methods and Compositions for Synthesis of Nucleic Acid Molecules

**Using Multiple Recognition Sites** 

Inventors:

CHESNUT et al.

Our Ref:

0942.5340002/RWE/BJD/JKM

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Fourth Supplemental Information Disclosure Statement;
- 2. List of cited references on Form PTO-1449 (8 sheets);
- 3. A copy of each reference cited on Form PTO-1449 (24 documents: AN9-AO9 and AT108-AT115); and
- 4. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Sterne, Kessler, Goldstein & Fox PLLC. : 1100 New York Avenue, NW : Washington, DC 20005 : 202.371.2600 f 202.371.2540 : www.skgf.com

Commissioner for Patents June 1, 2004 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Brian J. Del Buono Attorney for Applicants Registration No. 42,473

BJD/JKM:bac Enclosures

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of:

Chesnut et al.

Appl. No. 10/005,876

Filed: December 7, 2001

For:

Methods and Compositions for

**Synthesis of Nucleic Acid Molecules Using Multiple** 

**Recognition Sites** 

Confirmation No. 7958

Art Unit:

1636

Examiner:

Ketter, J.S.

Atty. Docket: 0942.5340002/RWE/BJD/JKM

## Fourth Supplemental Information Disclosure Statement

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450 Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each document is provided.

The numbering on this Fourth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Third Supplemental Information Disclosure Statement filed October 24, 2003, in connection with the above-captioned application.

The Examiner's attention is directed to the following co-pending U.S. Patent Applications, which are directed to related technical subject matter:

U.S. Patent Application No. 09/177,387, Hartley, J.L., et al., filed October 23, 1998 and submitted herewith as document AR113;

U.S. Patent Application No. 09/438,358, Gerard, G.F., et al., filed November 12, 1999 and submitted herewith as document AS113;

U.S. Patent Application No. 09/517,466, Hartley, J.L., et al., filed March 2, 2000 and submitted herewith as document AT113;

- U.S. Patent Application No. 09/648,790, Hartley, J.L., et al., filed August 28, 2000 and submitted herewith as document AR114;
- U.S. Patent Application No. 09/695,065, Brasch, M.A., et al., filed October 25, 2000 and submitted herewith as document AS114;
- U.S. Patent Application No. 09/984,239, Brasch, M.A., et al., filed October 29, 2001 and submitted herewith as document AT114;
- U.S. Patent Application No. 10/058,292, Hartley, J.L., and Brasch, M.A., filed January 30, 2002 and submitted herewith as document AR115; and
- U.S. Patent Application No. 10/640,422, Cheo, D., et al., filed August 14, 2003 and submitted herewith as document AS115.

The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to these applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

This IDS is being filed as two submissions on the same day. One submission is electronic and one submission is non-electronic. It is believed that only one fee under 37 C.F.R. § 1.17(p) is required to cover both submissions. That fee is included with the electronic submission.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Brian J. Del Buono Attorney for Applicants Registration No. 42,473

Date: 1100 New York Avenue, N.W. Washington, D.C. 20005-3934 (202) 371-2600 229143\_1.DOC

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ATTY. DOCKET NO. APPLICATION NO. 10/005,876 0942.5340002/RWE/BJD/JKM FIRST NAMED INVENTOR Chesnut et al.

Page 2 of 8

FILING DATE December 7, 2001 ART UNIT 1636

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FIRST NAMED INVENTOR	
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	AT	115	Ball, C.A. and Johnson, R.C. "Efficient Excision of Phage λ from the <i>Escherichia coli</i> Chromosome Requires the Fis Protein," <i>J. Bacteriol. 173</i> :4027-4031, American Society for Microbiology (July 1991).					
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